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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

ISRAEL GARCIA AND JESSENIA M.  
GARCIA, IVAN A. MADRUENO, AND  
PRISCILLA ANN SALADORES AND  
KATHLEEN L. CONIAM,

Plaintiffs,

v.

GMAC MORTGAGE, LLC, fka GMAC  
MORTGAGE CORPORATION,  
EXECUTIVE TRUSTEE SERVICES,  
LLC, WELLS FARGO BANK, N.A.,  
RONALD M. HORWITZ, RESIDENTIAL  
FUNDING COMPANY, LLC, fka  
RESIDENTIAL FUNDING  
CORPORATION, QUALITY LOAN  
SERVICE CORPORATION, GMAC  
MORTGAGE, LLC, JOHN DOES 1  
through 1,000, et al.,

Defendants.

No. \_\_\_\_\_

**NOTICE OF REMOVAL OF  
ACTION UNDER 28 U.S.C. § 1441**

**(Federal Question)**

**TO THE HONORABLE JUDGES AND CLERK OF THE ABOVE-ENTITLED  
COURT:**

**PLEASE TAKE NOTICE** that pursuant to 28 U.S.C. §§ 1441 and 1446,  
defendant Wells Fargo Bank, N.A. (“Wells Fargo”) hereby files this Notice of Removal of

1 the state court civil action filed against it that is described below. The grounds for  
2 removal are:

3 1. Israel Garcia, Jessenia M. Garcia, Ivan A. Madrueno, Priscilla Ann  
4 Saladores, and Kathleen L. Coniam (“Plaintiffs”), with the filing of the Complaint,  
5 commenced this action in the Superior Court of the State of Arizona for the County of  
6 Maricopa on January 12, 2009, in Case Number CV2009-000808 (the “Superior Court  
7 Action”).

8 2. Wells Fargo received a Summons and a copy of the Complaint in the  
9 Superior Court Action on January 13, 2009, attached as Exhibit A. This Notice of  
10 Removal therefore is timely filed under 28 U.S.C. § 1446.

11 3. Under 28 U.S.C. § 1441, this Court is the appropriate forum in which to file  
12 this Notice of Removal because the United States District Court for the District of  
13 Arizona, Phoenix Division, embraces Maricopa County, Arizona.

14 4. The Superior Court Action involves federal question claims arising under:  
15 (1) Real Estate Settlement Procedures act, 12 U.S.C. §§ 2601 et seq., and (2) Truth-in-  
16 Lending Act, 15 U.S.C. §§ 1601 et seq. Under 28 U.S.C. § 1331, this Court has original  
17 jurisdiction over these claims because they arise under the Constitution, laws, or treaties  
18 of the United States.

19 5. Under 28 U.S.C. § 1367, this Court has supplemental jurisdiction over all  
20 other claims in the Superior Court Action because they are so related to the claims over  
21 which this Court has original jurisdiction under 28 U.S.C. § 1331 that they form part of  
22 the same case or controversy.

23 6. Under 28 U.S.C. § 1441, the Superior Court Action may be removed to this  
24 Court by Wells Fargo, without regard to the residence or citizenship of the parties,  
25 because this Court has original jurisdiction founded on a claim or right arising under the  
26 Constitution, treaties, or laws of the United States.



**CERTIFICATE OF SERVICE**

I hereby certify that on the 12<sup>th</sup> day of February, 2009, I electronically transmitted the foregoing document and any attachments to the U.S. District Court Clerk's Office using the ECF System for filing and transmittal.

And a copy of the foregoing will be mailed via regular U.S. mail to the following who is not a registrant of the ECF system or who are receiving courtesy copies:

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